

Social Security News

Issue 205 April 2023

This News Bulletin is intended to brief those with a special interest in social security matters of the changes in the law following each sitting of Tynwald at which the changes are approved.

Copies of the Orders referred to in this bulletin may be obtained from:

Tynwald Library, Legislative Buildings, Douglas, IM1 3PW.

Tel: 01624 685520

Email: library@tyrwald.org.im

Website: <https://www.tynwald.org.im/links/secondary-legislation>

Social Security legislation is available [online](#).

The relevant document number is shown against the item.

For more details on the Orders described in this newsletter.

Tel: 01624 685025

Email: darrin.oldam@gov.im

In this issue:

SD2023/0032 applies 3 UK statutory instruments to the Island.

- The first relates to industrial injuries disablement benefit, in particular the prescription for Dupuytren's contracture.
- The second concerns the annual revaluation of earnings factors relevant to the calculation of additional pension in any long-term benefit or of any guaranteed minimum pension as well as other calculations required under Part 3 of the Pension Schemes Act 1993.
- The third amends the circumstances in which the "past presence" tests for carer's allowance, attendance allowance and disability living allowance are disappplied for certain people fleeing Ukraine following the Russian invasion.

SD2023/0033 applies a UK statutory instrument to the Island which provides for a new fixed rate of revaluation of guaranteed minimum pension for early leavers.



Isle of Man
Government
Reilrys Eilan Vannin

The Treasury

Social Security Legislation (Benefits) (Application) Order 2023

SD2023/0032

This Order applies to the Island 3 UK statutory instruments, the provisions of which are summarised in the following paragraphs. The applied legislation is deemed to have had effect in the Island from the dates on which it had effect in Great Britain.

The first statutory instrument (S.I.) applied by this Order relates to industrial injuries disablement benefit. It amends the existing prescription for Dupuytren's contracture and provides further specification as to the circumstances in which industrial injuries disablement benefit is payable, in order to bring the regulations into line with the most up to date guidance from the (UK) Industrial Injuries Advisory Council.

The second S.I. applied concerns the annual revaluation of earnings factors relevant to the calculation of additional pension in any long-term benefit or of any guaranteed minimum pension ("GMP") or to any other calculation required under Part 3 of the Pension Schemes Act 1993 as it applies to the Island. It provides that, for those purposes, earnings factors for the tax years specified in the Schedule to the Order are to be increased by the percentage of their amount specified in that Schedule. The effect is that earnings factors for those years are revalued at 2021-22 earnings levels. Earnings factors derived for each year from 1978-79 are revalued annually in line with the increase in average earnings. This annual revaluation exercise allows earnings factors derived from historic earnings to be restated at current values as part of the calculation of a first award of a GMP (i.e., an award as calculated when someone first reaches GMP age – 60 for women and 65 for men) and additional State Pension.

The third S.I. applied concerns the "past presence" tests for carer's allowance, attendance allowance and disability living allowance. Broadly speaking, to be entitled to any of these benefits a person must have been resident in the IOM (or the UK, by virtue of reciprocal arrangements) for at least 104 weeks of the 156-week period immediately before they make their claim, as well as meeting other relevant entitlement conditions. Provisions were applied last year which disapplied these past presence tests in relation to certain persons fleeing Ukraine following the Russian invasion. As originally framed they (unintentionally) excluded certain persons, in particular Irish nationals, from the disapplication of the past presence rules. The S.I. being applied by this Order rectified the position in Great Britain. Its application to the IOM will ensure the position is also rectified in the IOM.

Pension Schemes Legislation (Application) Order 2023

SD2023/0033

This Order applies to the Island one statutory instrument of the United Kingdom Parliament relating to occupational pension schemes.

The instrument applied provides for a new fixed rate of revaluation of guaranteed minimum pension ("GMP") for early leavers.

An "early leaver" is a person who leaves an occupational pension scheme before they reach the age from which a GMP may be payable, which is 65 for a man and 60 for a woman

The new fixed rate of 3.25% applies to members of occupational pension schemes who were contracted-out of the state additional pension between 6 April 1978 and 5 April 1997 who leave pensionable service on or after 6th April 2022 and before the age from which a GMP may be payable to them.